

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS EUGENE MOORE,

Petitioner,

No. CIV S-02-0007 JAM DAD P

vs.

ANTHONY LAMARQUE, et al.,

Respondents.

ORDER

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Petitioner is a state prisoner proceeding pro se with a sixth amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Before the court is petitioner's request that the court order that he be provided with copies of all documents lodged by respondent on October 30, 2008, as well as copies of the clerk's transcripts and reporter's transcripts from his state criminal proceedings. The twenty documents lodged by respondent with this court are copies of petitioner's state court petitions. The documents were lodged in support of respondents' motion to dismiss certain claims of petitioner as filed beyond the applicable one-year statute of limitations. Petitioner contends that his legal documents were stolen from him by prison officials in October of 2005. As to the transcripts, petitioner contends that they are needed to support his 87 claims concerning the miscarriage of justice and trial court errors.

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1           Petitioner's request will be denied. Respondent is not required to provide  
2 petitioner with copies of his own state habeas petitions. It is petitioner's responsibility to  
3 maintain his records and there is no indication that during the three years since his documents  
4 were allegedly stolen, that petitioner has made any efforts to obtain copies of those documents  
5 from the appropriate state court. In addition, the court will not order respondent to provide  
6 petitioner with copies of his state court transcripts. Petitioner was represented by counsel during  
7 post-conviction proceedings and on appeal. He should obtain copies of transcripts from his  
8 attorneys. If petitioner was previously provided transcripts through his own counsel but is no  
9 longer in possession of those transcripts, he must bear the expense of obtaining another copy.

10           Accordingly, petitioner's December 4, 2008 request for copies of lodged  
11 documents, clerk's transcripts, and recorder's transcripts (Docket No. 110), is denied.

12 DATED: December 12, 2008.

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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